

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|-------------------------|
| SPENCER LONG, | : | |
| Plaintiff | : | |
| | : | No. 1:22-cv-1346 |
| v. | : | |
| | : | (Judge Rambo) |
| CO CARA and CO CHARTERS, | : | |
| Defendants | : | |

ORDER

AND NOW, on this 24th day of July 2023, for the reasons set forth in the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. Defendants' motion (Doc. No. 28) for partial dismissal is **GRANTED** as more specifically set forth in the accompanying Memorandum;
2. Plaintiff's Eighth Amendment claim of deliberate indifference to serious medical needs is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted;
3. Plaintiff's Fourteenth Amendment procedural due process claim (or First Amendment Petition Clause claim) is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted;
4. Plaintiff, if desired, may file an amended complaint within 21 days of the date of this Order; and
5. If no amended complaint is timely filed, this case will proceed only as to Plaintiff's Eighth Amendment excessive force claim against Defendants.

s/ Sylvia H. Rambo
United States District Judge